

**BEFORE THE APPEALS BOARD  
FOR THE  
KANSAS DIVISION OF WORKERS COMPENSATION**

**MANUEL CALDERON**  
Claimant

VS.

**IBP, INC.**  
Respondent  
Self-Insured

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Docket No. 195,430

**ORDER**

Respondent appeals from the October 5, 1995 Preliminary Hearing Order entered by Administrative Law Judge Floyd V. Palmer. Jeffrey Cooper is serving as Board Member Pro Tem in this proceeding in place of Appeals Board Member Gary Korte who has recused himself.

**ISSUES**

Respondent alleges the Administrative Law Judge exceeded his jurisdiction in awarding temporary total disability benefits.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Although respondent has described the issue it raises on appeal as an allegation that the Administrative Law Judge exceeded his jurisdiction, it appears from review of the record that the issue is, in substance, whether the claimant was temporarily totally disabled for the period in question. Respondent argues that the Administrative Law Judge erred in finding the claimant to be temporarily totally disabled. The argument is not one that addresses an issue in K.S.A. 44-534a. It is also not one which, otherwise, alleges that the Administrative Law Judge exceeded his jurisdiction. Accordingly, the Appeals Board does not have jurisdiction to review the issue on appeal. K.S.A. 44-551.

**WHEREFORE**, the Appeals Board finds the appeal shall be dismissed and the Order of Administrative Law Judge Floyd V. Palmer dated October 5, 1995 remains in effect as originally entered.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of December 1995.

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BOARD MEMBER PRO TEM

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BOARD MEMBER

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BOARD MEMBER

c: David O. Alegria, Topeka, KS  
Anton C. Andersen, Kansas City, KS  
Floyd V. Palmer, Administrative Law Judge  
Philip S. Harness, Director